

STATE DRIVING BUSINESSES LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/25/2019

BOARD MEMBERS PRESENT: Theresa A Bradford - Chair
Robert M Fenn
Faith Todd
C Randal Willie

BOARD MEMBERS ABSENT: Jared Hugh Haustveit

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Rob McQuade, Legal Counsel
Cesley Metcalfe, Technical Records Specialist II

OTHERS PRESENT: Wes Hult, Driving Business Owner

The meeting was called to order at 9:35 AM MST by Theresa A Bradford.

INTRODUCTIONS

Ms. Packer and Mr. McQuade introduced themselves to the Board.

APPROVAL OF MINUTES

Mr. Fenn made a motion to approve the minutes of September 28, 2018. It was seconded by Mr. Willie. Motion carried.

LEGISLATIVE REPORT

Ms. Packer gave the legislative report. She notified the Board that its temporary rules were approved in the House Business Committee and would be heard in the Senate Commerce and Human Resources Committee on Tuesday, January 29.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Eavenson stated that the committee met on October 19, 2018 and accepted an invitation to join the National Conference of State Legislatures (NCSL) consortium, which was formed to look at items related to licensing and certification laws, and nationwide alignment. The committee met again on November 26, 2018 and made one recommendation to provide for the possibility of bringing endorsement legislation during the 2019 session, and also accepted the draft legislation for reauthorization of the committee.

Ms. Eavenson stated that she recently represented the Executive Branch of Idaho at the National Conference of State Legislatures (NCSL) meeting on licensure in Tampa, Florida, with Senator Lakey, Senator Den Hartog, and Representative DeMordaunt. The intensive three-day meeting included review of multiple states' licensure requirements and processes. Based on discussions held at the meeting, two predominant goals emerged for the Idaho team: defining and implementing consistent licensure requirements for current military service members, veterans, and current member's spouses; and harmonizing many licensure requirements, including endorsement and continuing education, across Boards in Idaho.

Ms. Eavenson stated that Governor Brad Little has convened a working group to review agency Executive Order Reports in greater depth; review specific recommendations from boards, commissions, and agencies; and begin implementing initial recommendations. A link to this report is on the Lt. Governor's website. Members include Mike Brassey, an attorney in private practice; Robert Payne, Idaho Board of Social Work Examiners; Jane McClaran, Idaho Real Estate Appraisers Board; Representative Gayann DeMordaunt; and Senator Todd Lakey.

Ms. Packer stated that she had a meeting with the Governor's Chief of Staff and the Director of Financial Management, and believed there will be a draft of the working group's recommendations to review by the end of next week.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$91,053.88 as of December 31, 2018.

Ms. Hall stated that the payment from the State Department of Education for permit fees was received in December.

Mr. Fenn stated that computer upgrades at the Department of Motor Vehicles should allow for more accurate tracking of permit fees paid by students of driver education programs. Mr. Fenn further stated that the upgrades may eventually allow payments to be made directly from the Idaho Transportation Department to the Board.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in case DRB-2019-1 and case DRB-2019-2. Mr. Fenn made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Todd. After further discussion, the motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Fenn made a motion to approve the Bureau's recommendation and authorize closure in case I-DRB-2019-3 with an advisory letter. It was seconded by Mr. Willie. Ms. Todd was recused. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and directed Bureau staff to make updates.

PROPOSED LAWS AND RULES

Mr. McQuade stated that the Board's temporary rules were approved in the House Business Committee; the proposed legislation was introduced to print, but has not yet been scheduled for a hearing.

The Board reviewed the temporary rules and proposed law and rules that are being presented in the Legislature this session.

Mr. Fenn made a motion directing Bureau staff to draft a proposed rule allowing all required continuing education hours to be obtained online. It was seconded by Ms. Todd. Motion carried.

Mr. Fenn made a motion directing Bureau staff to draft a temporary rule and submit the rule if the proposed legislation is approved and signed by the Governor. It was seconded by Ms. Todd. Motion carried.

NEW BUSINESS

EXECUTIVE SESSION

Ms. Todd made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Mr. Fenn. The vote was: Ms. Bradford, aye; Mr. Willie, aye; Mr. Fenn, aye; and Ms. Todd, aye. Motion carried.

Mr. Fenn made a motion to come out of executive session. It was seconded by Ms. Todd. The vote was: Ms. Bradford, aye; Mr. Willie, aye; Mr. Fenn, aye; and Ms. Todd, aye. Motion carried.

APPLICATIONS

Mr. Fenn made a motion to approve the following for licensure:

DRIVE RITE IDAHO LLC
ROBERT HIBBARD

DB-623
DBAA-622

It was seconded by Mr. Willie. Motion carried.

Mr. Willie made a motion directing Bureau staff to accept applications and audits for driving businesses that use a Board approved online course without requiring submission of a course syllabus or outline. It was seconded by Mr. Fenn. Motion carried.

PROPOSED LAWS AND RULES

Mr. McQuade presented a draft of a temporary rule that allows all required continuing education hours to be obtained online. The temporary rule also reduces the required number of instruction hours for driving instructor apprentices. Mr. Fenn made a motion to approve the draft and authorize Bureau staff to submit the draft to the Governor's Office if the proposed legislation is approved and signed. It was seconded by Ms. Todd. Motion carried.

APPLICATION APPROVAL PROCESS

The Board reviewed its application approval process. No action was taken.

APPLICATION UPDATES

The Board reviewed updates made to the applications following a change to criminal history background check fees charged by the Idaho State Police. Ms. Todd made a motion to accept the updated applications. It was seconded by Mr. Fenn. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from Mr. Brian Johns regarding continuing education opportunities.

Ms. Todd made a motion to approve the Idaho Highway Safety Summit for continuing education credit. It was seconded by Mr. Fenn. Motion carried.

Ms. Todd made a motion directing Bureau staff to respond to Mr. Johns with information about approved continuing education courses and the process for course approval. It was seconded by Mr. Willie. Motion carried.

Mr. Fenn left the meeting.

Ms. Todd made a motion directing Bureau staff to draft additional continuing education information to include on the Board's website for review at the next meeting. It was seconded by Mr. Willie. Motion carried.

NEXT MEETING was scheduled for April 26, 2019 at 9:00 AM MDT.

ADJOURNMENT

Mr. Willie made a motion to adjourn the meeting at 12:25 PM MST. It was seconded by Ms. Todd. Motion carried.

Theresa A Bradford, Chair

Robert M Fenn

Faith Todd

C Randal Willie

Jared Hugh Haustveit

Kelley Packer, Bureau Chief